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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/045,370	11/09/2001	Benjamin Angeles Escobar JR.	D8908-2	1628

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EXAMINER

ORTIZ RODRIGUEZ, CARLOS R

ART UNIT	PAPER NUMBER
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2125

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/045,370

Applicant(s)

ESCOBAR, BENJAMIN ANGELES

Examiner

Carlos Ortiz-Rodriguez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Interpretation

1. Regarding claims 11 and 16 it should be noted that a recitation that an element is “useful to”, “adapted for” and/or “capable of” performing a function are not positive limitations but only require the ability to so perform. A recitation directed to the manner in which a claimed element is intended to be used does not distinguish the claimed device from the prior art.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claim 1-19 rejected under 35 U.S.C. 102(e) as being anticipated by Woods et al. U.S. Patent No. 6,594,590.

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Regarding claim 1, 11-13, 16 and 17 Woods et al. discloses a method of processing material, comprising:

- a. placing the material onto a milling line for milling (C8 L40-45);
- b. initializing a sensor positioned to sense a measurement of a predetermined characteristic of a predetermined portion of the material, the sensor protected by a sensor housing (C6 L 40-65 and Fig 1);
- c. initializing a stepper motor, disposed proximate the line, to a predetermined position (C14 L1-15 and Fig 11);
- d. milling the material at a predetermined location along the milling line (Fig 1);
- e. sensing a predetermined characteristic of the material on the milling line (Fig 1);
- f. calculating an adjustment of the material in a predetermined plane using the sensed characteristic (C2 L 5-25);
- g. sending a signal to the stepper motor based on the calculated adjustment, if the adjustment is non-zero is implicitly disclosed by Woods et al.;
- h. retaining the sensed characteristic of the material for certification of the sensed characteristic (Abstract L14-15 and C3 L 18-35).

Regarding claims 2, 14 and 18 Woods et al. discloses wherein step (e) further comprises sensing a predetermined characteristic of the material on the milling line by physical contact of the sensor with the material to be milled (C13 L44-45).

Regarding claim 3 Woods et al. discloses that the sensed characteristic comprises a measurement of a predetermined portion of the material in a single plane (C7 L60-65 and C9 L1-5).

Regarding claim 4 Woods et al. discloses that the sensed characteristic comprises a measurement of length of at least one side of the material and a diagonal of the material (C9 L1-18).

Regarding claim 5 Woods et al. discloses that the sensed characteristic comprises a measurement of length of a plurality of sides of the material and a calculated diagonal of the material (C9 L1-18).

Regarding claim 6 Woods et al. discloses generating a certification of the predetermined characteristic based on the retaining sensed characteristic (C3 L18-31).

Regarding claim 7 Woods et al. discloses that the certification comprises a report indicative of calculated "real-time" statistical process control charts, listings of dimensions as processed, and capability process charts (C3 L26-27 and Fig 3 and 4).

Regarding claim 8 the certification generated in real-time is inherent to Woods et al.

Regarding claim 9 Woods et al. discloses that the material is at least one of metal, plastic, glass, paper, organic materials, and composites (C1 L20-43).

Regarding claim 10 Woods et al. discloses that the processing is at least one of cutting, shaping, etching, assembling, welding, progressive dies, stamping, and riveting (C7 L5-17).

Regarding claim 15 and 19 Woods et al. discloses that the measurement sensor comprises pressure sensors, acoustic sensors, and optical sensors (C6 L40-50, C8 L1-5, C13 L 27-50)

Citation of Pertinent Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to system and method for manufacturing a material using concurrent dimension certification:

- a. U.S. Pat. No. 6,311,540 to Paltieli et al., which discloses calibration method and apparatus for calibrating position sensors on scanning transducers.
- b. U.S. Pat. No. 6,496,751 to Salvo et al., which discloses machine management systems and monitoring methods.
- c. U.S. Pat. No. 6,571,148 to Wunder, which discloses system for automatically certifying the accuracy of a manufacturing machine and associated methods.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

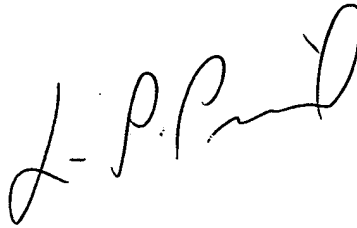
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Ortiz-Rodriguez whose telephone number is (571) 272-3747. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo P. Picard can be reached on (571) 272-3749. The central official fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the general information number at 800-786-9199.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Carlos Ortiz-Rodriguez
Patent Examiner
Art Unit 2125

A handwritten signature in black ink, appearing to read "L. Picard", is written over the printed name of Leo Picard.

cror

October 31, 2005

LEO PICARD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100